BEFORE THE

UNITED STATES JUDICIAL PANEL ON

MULTIDISTRICT LITIGATION

In Re: Federal Express Corporation Wage & Hour Class Action Litigation	MDL - ________

PLAINTIFF ANTHONY MASINAS' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR TRANSFER AND CONSOLIDATION OF RELATED ACTIONS IN THE UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. § 1407

Federal Express Corporation ("FedEx") is a global logistics, transportation, and e-commerce conglomerate operating sortation and distribution facilities across the globe, including in the State of California. FedEx is incorporated in the State of Delaware.

Plaintiff in the putative class action *Masinas v. Federal Express Corporation*, Case No. 2:26-cv-01938-TLN-CK (hereinafter "Masinas Action") pursuant to 28 U.S.C. § 1407, respectfully submits this Memorandum of Points and Authorities in support of his Motion for Transfer of Actions, and specifically for the transfer of the Masinas Action to the Central District of California to be consolidated for pretrial proceedings with the action entitled *Gonzalez v. Federal Express Corporation*, Case No. 5:26-cv-01498-AH-SP (hereinafter "Gonzalez Action"). The Masinas Action and the Gonzalez Action involve common questions of law and fact that arise from FedEx's uniform patterns and practice of wage and hour abuse of their hourly-paid, non-exempt employees in the State of California.

I. FACTUAL BACKGROUND AND LITIGATION PROGRESS

a. Common Questions of Legal Theories and Facts

The Related Actions consist of two putative class actions involving the Masinas Action, pending in the Eastern District of California ("Eastern District") as well as the Gonzalez Action, pending in the Central District of California ("Central District") seeking to represent all hourly-paid or non-exempt employees who worked for the Defendant in the State of California at any time during the period of four years preceding the filing of the complaint to final judgment. *See* Schedule of Actions; Declaration of Mno M. Bogosyan ("Bogosyan Decl."), ¶¶ 3, 7; Ex. A, at 2:21-25; Ex. D, at 4:6-8[1].

The Related Actions both allege FedEx violated (1) Violation of California Labor Code §§ 510 and 1198 (Unpaid Overtime); (2) Violation of California Labor Code §§ 226.7 and 512(a) (Unpaid Meal Period Premiums); (3) Violation of California Labor Code § 226.7 (Unpaid Rest Period Premiums); (4) Violation of California Labor Code §§ 1194, 1197, and 1197.1 (Unpaid Minimum Wages); (5) Violation of California Labor Code §§ 201 and 202 (Final Wages Not Timely Paid); (6) Violation of California Labor Code § 204 (Wages Not Timely Paid During Employment); (7) Violation of California Labor Code § 226(a) (Non-Compliant Wage Statements); (8) Violation of California Labor Code §§ 2800 and 2802 (Unreimbursed Business Expenses); and (9) Violation of California Business & Professions Code § 17200, et seq.[2] Bogosyan Decl., ¶¶ 3, 7; Ex. A, at 3:16-18; Ex. D, at 1:13-27. Further, the complaints filed in the Related Actions each discuss the overtime, meal period, rest period, minimum wage, untimely final wages, inaccurate wage statements, failure to keep payroll records, business reimbursements, and unfair competition claims as per the table below:

Claims	**Masinas Action**	**Gonzalez Action**
Overtime	¶¶ 47-55	¶¶ 142-151
Meal Periods	¶¶ 56-66	¶¶ 152-163
Rest Periods	¶¶ 67-75	¶¶ 164-172
Minimum Wages	¶¶ 76-81	¶¶ 129-141
Final Wages Untimely	¶¶ 82-87	¶¶ 179-184

[1] Although the Masinas Action and Gonzalez do not mirror in their respective proposed class definitions, both actions seek to represent hourly-paid employees in the State of California through final disposition. As such, the class definitions are materially the same.

[2] The Gonzalez Action seeks to also bring forth violations of the California Fair Employment & Housing Act (only on behalf of the named plaintiff), under Cal. Govt. Code §§ 12940(a)(h)(j-k)(m-n) and Art. 1 Sec. 8. The Masinas Action has also alleged FedEx failed to keep requisite payroll records under Cal. Lab. Code § 1174(d).

Untimely Wages During Employment	¶¶ 82-87	¶¶ 179-184
Inaccurate Wage Statements	¶¶ 94-100	¶¶ 191-200
Failure to Reimburse Necessary Business Expenses	¶¶ 106-110	¶¶ 185-190
Unfair Competition	¶¶ 111-117	¶¶ 201-207

II. ARGUMENT

The "purpose" of multidistrict litigation is to secure the "just, speedy and inexpensive determination of every action." *In Re Nat'l Student Mktg. Litig.*, 368 F. Supp. 1311, 1316 (J.P.M.L. 1972). 28 U.S.C. § 1407 ("Section 1407") permits transfer and centralization of cases that are pending in different districts if the actions "involve one or more common questions of fact," the transfer and centralization "will promote the just and efficient conduct of such actions," and will further the "convenience of the parties and witnesses." 28 U.S.C. § 1407(a). The aim of Section 1407 is to "eliminate duplication in discovery, avoid conflicting rules and schedules, reduce litigation costs, and save the time and effort of the parties, the attorneys, the witnesses, and the courts." *Gelboim v. Bank of America Corp.*, 574 U.S. 405, 410 (2015) (quoting Manual for Complex Litigation § 20.131 (4th ed. 2004)). Transfer of the Related Actions for consolidated or coordinated pretrial proceedings will satisfy each of these requirements and will advance § 1407's underlying objectives.

a. Transfer and Consolidation of the Schedule of Action is Appropriate Under 28 U.S.C. § 1407

The Judicial Panel on Multidistrict Litigation ("JPML") has consistently held that cases involving overlapping complex factual and legal issues are particularly appropriate for transfer and centralization for consolidated or coordinated pretrial proceedings—even if the parties and claims are not identical, or if there are differing legal theories or remedies sought. *See In re Bank* *of N.Y. Mellon Corp. Foreign Exch. Transactions Litig.*, 857 F. Supp. 2d 1371, 1373 (J.P.M.L. 2012) (finding transfer appropriate notwithstanding different parties and legal theories because "[a]ll actions share factual issues arising from allegations concerning [Defendant's] provision of foreign exchange (FX) services to its clients"); *In re Ford Motor Co. Speed Control Deactivation Switch Prods. Liab. Litig.*, 398 F. Supp. 2d 1365, 1366 (J.P.M.L. 2005) (holding that the "presence of differing theories or remedies is outweighed when the underlying actions still arise from a common factual core, as the actions do here"); *In re Radiation Incident at Washington*, 400 F. Supp. 1404, 1405 (J.P.M.L. 1975) (holding that six actions in two federal districts should be centralized into a single MDL because there were common questions of fact, notwithstanding that factual questions relating to damages were unique to each action); *In re Plumbing Fixtures*, 308 F. Supp. 242, 244 (J.P.M.L. 1970) (noting that the "potential for conflicting or overlapping class actions presents one of the strongest reasons for transferring [] related actions to a single district for coordinated or consolidated pretrial proceedings which will include an early resolution of such potential conflicts").

Consequently, here, the Masinas Action and the Gonzalez Action (hereinafter the "Related Actions") seek to represent not only themselves on an individual basis, but putative class members who were hourly-paid, non-exempt employees in the State of California that were employed by FedEx in the preceding four years from the filing of their respective complaints, until final judgment for violations of certain California Labor Code provisions. The Related Actions both allege FedEx violated (1) Violation of California Labor Code §§ 510 and 1198 (Unpaid Overtime); (2) Violation of California Labor Code §§ 226.7 and 512(a) (Unpaid Meal Period Premiums); (3) Violation of California Labor Code § 226.7 (Unpaid Rest Period Premiums); (4) Violation of California Labor Code §§ 1194, 1197, and 1197.1 (Unpaid Minimum Wages); (5) Violation of California Labor Code §§ 201 and 202 (Final Wages Not Timely Paid); (6) Violation of California Labor Code § 204 (Wages Not Timely Paid During Employment); (7) Violation of California Labor Code § 226(a) (Non-Compliant Wage Statements); (8) Violation of California Labor Code §§ 2800 and 2802 (Unreimbursed Business

Expenses); and (9) Violation of California Business & Professions Code § 17200, et seq.[3] Bogosyan Decl., ¶¶ 3, 7; Ex. A, at 3:16-18; Ex. B, at 1:13-27. Thus, the Related Actions predominantly share multiple common questions of law and fact, including but not limited to:

a. Whether FedEx's failure to pay wages, without abatement or reduction, in accordance with the California Labor Code was willful;

b. Whether FedEx had a corporate policy and practice of failing to pay their hourly paid or non-exempt employees within the State of California for all hours worked and missed (short, late, interrupted, and/or missed altogether) meal periods and rest breaks in violation of California law;

c. Whether FedEx required Plaintiff and the other class members to work over eight (8) hours per day and/or over forty (40) hours per week and failed to pay the legally required overtime compensation to Plaintiff and the other class members;

d. Whether FedEx deprived Plaintiff and the other class members of meal and/or rest periods or required Plaintiff and the other class members to work during meal and/or rest periods without compensation;

e. Whether FedEx failed to pay minimum wages to Plaintiff and the other class members for all hours worked;

f. Whether FedEx failed to pay all wages due to Plaintiff and the other class members within the required time upon their discharge or resignation;

g. Whether FedEx failed to timely pay all wages due to Plaintiff and the other class members during their employment;

h. Whether FedEx complied with wage reporting as required by the California Labor Code, including, inter alia, section 226;

[3] The Gonzalez Action seeks to also bring forth violations of the California Fair Employment & Housing Act (only on behalf of the named plaintiff), under Cal. Govt. Code §§ 12940(a)(h)(j-k)(m-n) and Art. 1 Sec. 8. The Masinas Action has also alleged FedEx failed to keep requisite payroll records under Cal. Lab. Code § 1174(d).

i. Whether FedEx failed to reimburse Plaintiff and the other class members for necessary business-related expenses and costs;

j. Whether FedEx's conduct was willful or reckless;

k. Whether FedEx engaged in unfair business practices in violation of California Business & Professions Code section 17200, et seq.; and

l. The appropriate amount of damages, restitution, and/or monetary penalties resulting from FedEx's violation of California law.

Accordingly, given the factual and legal issues to be determined overlap in the Related Actions, these actions fall squarely within the commonality findings set forth in *N.Y. Mellon Corp., Ford Motor Co., and Radiation Incident in Washington* rulings. As such, the first prong of Section 1407 is satisfied.

Furthermore, transfer of the Related Actions will convenience the parties and witnesses alike. According to the Manual for Complex Litigation, the following four goals govern whether transfer will facilitate the convenience of the parties and promote the just and efficient conduct of the cases, "eliminate duplication of discovery, avoid conflicting rules and schedules, reduce litigation cost, and save the time and effort of the parties, the attorneys, the witnesses, and the courts." *Manual for Complex Litigation (Fourth)*, § 20.131, at pp. 220. Here, transfer and consolidation of these cases serves all four goals.

First, as detailed above, because the cases pose substantially similar questions involving virtually the same facts and individuals, centralization will prevent duplicative discovery requests and multiple depositions of the same witnesses who have information relevant to both actions.

Second, transfer and consolidation of the actions in a single district is in the interest of justice because it will prevent multiple inconsistent rulings and protocols regarding the same factual and legal issues. Proceeding separately and on different schedules creates a potential race to *res judicata*, which could prejudice the plaintiffs (and in all likelihood the putative class members), including risking the denial of class certification, in the event that either Plaintiff is unsuccessful in seeking certification for any of the nine independent theories of liability. *See, e.g., In re Enron Securities Derivative & ERISA Litig.*, 196 F. Supp. 2d 1375, 1376 (J.P.M.L. 2002) (granting a transfer in part to prevent inconsistent pretrial rulings). Section 1407 transfer is the most efficient way to ensure that pretrial processes is uniformly litigated and adjudicated, in an effort to avoid a situation where multiple courts reach contrary conclusions and subject the putative class members to conflicting obligations.

Third, litigation costs will be reduced through the elimination of multiple court appearances in both venues to resolve the same issues, like the scope of the class contact information, the sampling of time and wage records of the purported class members, in addition to the aforementioned discovery and motion streamlining which will result in significant cost savings. Sparing the parties and witnesses the expense and inconvenience of participating in overlapping litigation in multiple judicial districts is squarely within Panel's jurisdiction.

Fourth, in addition to the benefits that will be conferred upon the parties, attorneys, and witnesses from the efficiencies described above, the Central District and the Eastern District will be spared the need to make separate inquiries into overlapping legal and factual issues.

b. Central District is the Appropriate Forum for Transfer and Consolidation

The JPML considers numerous factors when determining the most appropriate transferee forum. Such factors include the relative number of cases pending in each jurisdiction, the district in which cases with the broadest allegations are pending, the transferee forum's experience in managing class actions and complex litigation, and whether the district is in a geographically central and accessible metropolitan location. See *In re Local TV Advert. Antitrust Litig.,* 338 F. Supp. 3d 1341, 1343 (J.P.M.L. 2018) (noting that transferee district "provides a geographically central and convenient location for the parties and witnesses"); *In re Bayer Healthcare LLC, Merial Limited Flea Control Prods. Mktg. & Sales Practices Litig.*, 844 F. Supp. 2d 1369, 1370 (2012) (noting the "experience of [the assigned judge] to guide this litigation to a prudent course" as a factor in assignment); *In re Viagra Prods. Liab. Litig.*, 414 F. Supp. 2d 1357, 1358 (2006) (selecting a transferee district with "a jurist experienced in complex multidistrict litigation" and "with the capacity to handle this litigation"); *In re Midwest Milk Monopolization Litig.*, 379 F. Supp. 989, 991 (J.P.M.L. 1974) (choosing transferee district, in significant part, because it "has become the center of gravity of this litigation" and because it is the venue of "the action containing the broadest allegations").

First, as recently as April 2026, Honorable Troy L. Nunley, as well as the Eastern District at large, has faced a major influx of actions (well over 2,800 habeas corpus petitions within the past year) which have been filed in the Eastern District—718 in January 2026, 774 in February 2026, and 911 in March 2026 due to recent policy changes undertaken by the United States Immigration and Customs Enforcement.[4] Honorable Troy L. Nunley, *correctly*, has explained the "most important interest that you could ever have is liberty, freedom…and if they are [unlawfully detained], it's incumbent upon to get to these cases quickly." (*Id*. At footnote.) As such, while Honorable Troy L. Nunley as well as his respected counterparts in the Eastern District deal with the influx of cases involving the fundamental liberties that everyday Americans enjoy, Honorable Anne Hwang in the Central District is a member of the judiciary whose reputation precedes her—described as jurist "with the temperament and work ethic to excel as a federal judge." [5] Honorable Anne Hwang also received high praise from her Central District counterpart, Honorable Dolly M. Gee stating, "her time on the…bench and many years of practice in federal court will make her an invaluable member of the Court."[6]

Second, the Central District is the current forum for the Gonzalez Action creating no further upon Plaintiff Joseph Gonzalez. Defendant FedEx is in a similar position as it also actively litigating the Gonzalez Action in the Central District. The only party experiencing a

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[4] See USDC Eastern District official website, https://www.caed.uscourts.gov/caednew/index.cfm/news/chief-judge-nunley-warns-of-cases-overwhelming-the-eastern-district/

[5] Letter from Hon. Bryant Y. Yang et al. to Hon. Dick Durbin and Hon. Lindsey Graham, submitted in support of the nomination of Hon. Anne Hwang to the United States District Court for the Central District of California, https://www.judiciary.senate.gov/imo/media/doc/la_superior_court_judges_and_former_ausas_support_for_hwang.pdf

[6] See December 2, 2024 press release from the United States Courts for the Ninth Circuit https://cdn.ca9.uscourts.gov/datastore/ce9/2024/Hwang_Anne_Confirmed_CAC.pdf

material change in litigation is the moving party, Anthony Masinas—who, evidenced by this briefing, has no objection to transfer for further proceedings in the Central District.

Thus, the Central District before Honorable Anne Hwang is the appropriate forum for transfer and consolidation.

c. Plaintiff Masinas Meets the Burden Set Forth in Transocean Ltd. Securities Litigation because Plaintiff Masinas Made Efforts for Voluntary Transfer and Consolidation Without Judicial Intervention Prior to Filing This Motion

The JPML has previously held that, "where only a minimal number of actions are involved, the moving party generally bears the burden of demonstrating the need for centralization." *In re: Transocean Ltd. Sec. Litig. (No. II)*, 753 F. Supp. 2d 1373, 1374 (J.P.M.L. 2010).

The JPML has previously transferred cases to establish Multidistrict Litigation based on a similar number of pending actions. *See In re: Park W. Galleries, Inc., Mktg. & Sales Practices Litig.*, 645 F. Supp. 2d 1358, 1360 (J.P.M.L. 2009) (ordering transfer where three actions were pending in three districts); *In re Wireless Telephone Replacement Protection Programs Litig.*, 180 F. Supp. 2d 1381, 1382 (J.P.M.L. 2002) (finding centralization and transfer appropriate in three consumer protection cases); *In re Philadelphia Life Ins. Co. Sales Practices Litig.*, 149 F. Supp. 2d 937, 938 (J.P.M.L. 2001) (granting transfer of two deceptive insurance sales cases would promote the just and efficient conduct of the litigation).

Here, similar to the actions enumerated above, the Related Actions are complex in nature as they purport to represent a class of persons employed by FedEx in the State of California, thus involving and with expectation of numerous pre-trial motion practice, need for substantial amount of depositions, and discovery involving thousands of former and current employees.

Further, on or about August 4, 2026, Plaintiff Masinas communicated and propositioned FedEx to stipulate to transfer of venue to the Central District under 28 U.S.C. § 1404 and the eventual consolidation of the Related Actions under Fed. R. Civ. Proc. Rule 41(a). Plaintiff Masinas explained to FedEx, that should Plaintiff Joseph Gonzalez by and through his counsel of record, refuse to consolidate the Related Actions, Plaintiff Masinas would undertake the "laboring oar" of drafting, filing, and serving the necessary briefing to that effect. Plaintiff Masinas explained that the stipulation provided the requisite assurances that FedEx would not need to engage in substantial litigation to effectuate transfer and consolidation as Plaintiff Masinas was willing to stipulate to that effect. Bogosyan Decl., ¶¶ 8-9; Ex. E. Plaintiff Masinas engaged in an extensive 29-minute meet and confer via Zoom video conference to explain to FedEx's counsel of the lack of risk and resources FedEx would expend in effectuating Plaintiff Masinas' proposal. Id. at ¶ 9. As of the date of this filing, FedEx has not communicated its acquiescence or outright rejection of Plaintiff Masinas' proposal. Id.

As such Plaintiff Masinas has undertaken the necessary steps to effectuate similar relief under 28 U.S.C. § 1404 and Fed. R. Civ. Proc. Rule 41(a) before filing this motion.

III. CONCLUSION

For all of the above reasons, Plaintiffs respectfully request that the Panel order the transfer of the Related Actions for proceedings to an MDL court in the Central District of California.

Respectfully submitted,

Date: August 6, 2026

Mno M. Bogosyan

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